

FILED

08 FEB -4 PM 2:14

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

**WORTHE HANSON & WORTHE**

A Law Corporation  
1851 East First Street, Ninth Floor  
Santa Ana, California 92705  
Telephone (714) 285-9600  
Facsimile (714) 285-9700  
[jworthe@whwlawcorp.com](mailto:jworthe@whwlawcorp.com)  
[tworthe@whwlawcorp.com](mailto:tworthe@whwlawcorp.com)

JEFFREY A. WORTHE, SBN 080856  
TODD C. WORTHE, SBN 177452

Attorneys for Defendant, GROHE AMERICA, INC.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
EDWARD J. SCHWARTZ COURTHOUSE**

**BY FAX**

**08 CV 0207 JLS WMC**

AMCO INSURANCE COMPANY,

Plaintiff,

v.

GROHE AMERICA, INC., AND DOES 1 TO  
25, INCLUSIVE,

Defendants.

Case No.  
(SDSC Case No. 37-2007-00072924-CU-  
PL-CTL)

**NOTICE OF REMOVAL OF  
ACTION UNDER 28 U.S.C. §  
1446(b) AND 28 U.S.C. § 1441(b)  
[DIVERSITY]**

Complaint Filed: August 10, 2007

**JURISDICTION** of this Court is invoked on the basis of diversity of  
citizenship and pursuant to 28 U.S.C. 1332, 28 U.S.C. 1441 and 28 U.S.C. 1446.

**PLEASE TAKE NOTICE** that Defendant, GROHE AMERICA, INC. hereby  
removes to this Court the State Court Action described below.

1. Defendant, GROHE AMERICA, INC., hereby invokes the jurisdiction of  
this Court based upon the provisions of 28 U.S.C. § 1332, 28 U.S.C. § 1441 and 28  
U.S.C. § 1446, on the basis of diversity of citizenship.

///

///

WORTHE HANSON & WORTHE  
1851 EAST FIRST ST., NINTH FLOOR  
SANTA ANA, CALIFORNIA 92705  
TELEPHONE: (714) 285-9600

1           2.     On August 10, 2007, an action was commenced in the Superior Court of  
2 the State of California in and for the County of San Diego, entitled "AMCO Insurance  
3 Company v. Grohe America, Inc. and Does 1 to 25, Inclusive" as Case No. 37-2007-  
4 00072924-CU-PL-CTL. A copy of Plaintiff's Complaint is attached hereto as  
5 **Exhibit "A."**

6           3.     The Summons and Complaint, along with a Statement of Damanges were  
7 served upon Defendant, GROHE AMERICA, INC. on January 3, 2007, as evidenced  
8 by the Service of Process Transmittal attached hereto as **Exhibit "B."**

9           4.     The Statement of Damages was the first document from which this case  
10 could be removed. The Statement of Damages sets forth at paragraph 2(l), "Insurance  
11 Subrogation Damages in the amount of \$250,000.00," therefore the amount in  
12 controversy exceeds \$75,000.00. A true and correct copy of the Statement of  
13 Damages is attached hereto as **Exhibit "C."**

14           5.     Pursuant to 28 U.S.C. § 1446(b), defendant has thirty (30) days from the  
15 date it received the Statement of Damages, January 3, 2007, to remove this matter to  
16 the United States District Court for the Southern District of California.

17           6.     This is a civil action wherein the matter in controversy exceeds the sum  
18 of \$75,000.00, as evidenced by Exhibit "C."

19           7.     This action is a civil action of which this Court has original jurisdiction  
20 under 28 U.S.C. § 1332, and is one which may be removed to this Court by  
21 Defendants pursuant to the provisions of 28 U.S.C. § 1441(b), in that it is a civil  
22 action wherein the matter in controversy exceeds the sum of \$75,000.00, and is  
23 between citizens of different states.

24           8.     Defendant is informed and believes that Plaintiff, AMCO INSURANCE  
25 COMPANY, was, and at the time of the filing of this action, and still is, incorporated  
26 under the laws of the State of Delaware, having its principal place of business at  
27 Columbus within the State of Ohio.

28     ///

1           9. Defendant, GROHE AMERICA, INC. was, and at the time of the filing  
 2 of this action, and still is, incorporated under the laws of the State of Delaware,  
 3 having its principal place of business at 241 Covington Drive, Bloomingdale within  
 4 the State of Illinois. GROHE AMERICA, INC. conducts most of its activity in the  
 5 State of Illinois, as its administrative operations departments are based in the State of  
 6 Illinois and is most visible and impacts the public in the State of Illinois. The  
 7 majority of GROHE AMERICA, INC.'S employees are within the State of Illinois, its  
 8 tangible property is located in the State of Illinois and its central location is located at  
 9 Bloomingdale within the State of Illinois.

10           10. Defendant, GROHE AMERICA, INC. respectfully asserts and under the  
 11 place of operations test, the State of Illinois contains a substantial predominance of  
 12 GROHE AMERICA, INC.'S business activities and is thus the principal place of  
 13 business for GROHE AMERICA, INC.. Further, given GROHE AMERICA, INC.'S  
 14 Illinois location of its headquarters and operations, even if the Court were to use the  
 15 nerve center test, GROHE AMERICA, INC.'S principal place of business is in the  
 16 State of Illinois.

17           11. Accordingly, the United States District Court for the Southern District of  
 18 California has diversity jurisdiction, and this action is properly removed pursuant to  
 19 28 U.S.C., §1441(b), et seq.

20  
 21 DATED: February 4, 2008

WORTHE HANSON & WORTHE

22  
 23 By: 

24 TOBB C. WORTHE, ESQ.  
 25 Attorneys for Defendant, GROHE  
 26 AMERICA, INC.  
 27  
 28

**EXHIBIT A**

# SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):

GROHE AMERICA, INC.,  
DOES 1 TO 25

YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

AMCO INSURANCE COMPANY

CALENDERED

ERG: 24/08  
DUE: 24/08  
INITIALS: mic

SUM-100

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

2007 AUG 10 PM 3:19

SAN DIEGO COUNTY, CA

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):

SAN DIEGO COUNTY SUPERIOR COURT  
330 WEST BROADWAY  
SAN DIEGO, CA 92101

CASE NUMBER:  
(Número del Caso):

CALENDERED

ERG:

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

MICHAEL J. WISE (SBN 171836)/BRENNAN WISE LAW GROUP (916)498-1776 TELEPHONE  
901 H STREET, SUITE 503, SACRAMENTO, CA 95814 (916)442-8474 FACSIMILE

DATE:

(Fecha)

AUG 10 2007

Clerk, by

(Secretario)

M. BOTERO

Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify) GROHE AMERICA INC
  - under ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
  - ☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
  - ☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
  - ☐ other (specify):

4. ☒ by personal delivery on (date): 8/3/08

PLD-PI-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>MICHAEL J. WISE (SBN 171836)</b> <b>BRENNAN WISE LAW GROUP</b> 901 H Street, Suite 503, Sacramento, CA 95814 Sacramento, CA 95814 TELEPHONE NO: (916)498-1776 FAX NO. (Optional): (916)442-8474 E-MAIL ADDRESS (Optional): mike@brennanwise.com ATTORNEY FOR (Name): Plaintiff AMCO Insurance Company		FOR COURT USE ONLY  2007 AUG 10 PM 3:20 SUPERIOR COURT SAN DIEGO COUNTY, CA
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO STREET ADDRESS: 330 West Broadway MAILING ADDRESS: San Diego, CA 92101 CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF: AMCO Insurance Company  DEFENDANT: Grohe America, Inc.		
<input checked="" type="checkbox"/> DOES 1 TO 25		
COMPLAINT—Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input type="checkbox"/> Personal Injury <input checked="" type="checkbox"/> Other Damages (specify): Indemnification		
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited		CASE NUMBER:  37-2007-00072924-CU-PL-CTL

1. Plaintiff (name or names): AMCO Insurance Company  
alleges causes of action against defendant (name or names):  
Grohe America
2. This pleading, including attachments and exhibits, consists of the following number of pages: 5
3. Each plaintiff named above is a competent adult
  - a. ☒ except plaintiff (name): AMCO Insurance Company
    - (1) ☐ a corporation qualified to do business in California
    - (2) ☐ an unincorporated entity (describe):
    - (3) ☐ a public entity (describe):
    - (4) ☐ a minor ☐ an adult
      - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
      - (b) ☐ other (specify):
    - (5) ☒ other (specify): Subsidiary of Nationwide Insurance, a private mutual insurance company
  - b. ☐ except plaintiff (name):
    - (1) ☐ a corporation qualified to do business in California
    - (2) ☐ an unincorporated entity (describe):
    - (3) ☐ a public entity (describe):
    - (4) ☐ a minor ☐ an adult
      - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
      - (b) ☐ other (specify):
    - (5) ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

PLD-PI-001

SHORT TITLE: AMCO v. GROHE	CASE NUMBER:
-------------------------------	--------------

4. ☐ Plaintiff (name):

is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

a. ☒ except defendant (name): Grohe America, Inc.(1) ☐ a business organization, form unknown(2) ☒ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):c. ☐ except defendant (name):(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):b. ☐ except defendant (name):(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):d. ☐ except defendant (name):(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):☐ Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.

a. ☐ Doe defendants (specify Doe numbers): \_\_\_\_\_ were the agents or employees of other named defendants and acted within the scope of that agency or employment.b. ☒ Doe defendants (specify Doe numbers): 1-25 are persons whose capacities are unknown to plaintiff.7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):

8. This court is the proper court because

a. ☐ at least one defendant now resides in its jurisdictional area.b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.d. ☐ other (specify):9. ☐ Plaintiff is required to comply with a claims statute, anda. ☐ has complied with applicable claims statutes, orb. ☐ is excused from complying because (specify):

PLD-PI-001

SHORT TITLE:

AMCO v. GROHE

CASE NUMBER:

10. The following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*):

- a. ☐ Motor Vehicle  
b. ☐ General Negligence  
c. ☐ Intentional Tort  
d. ☐ Products Liability  
e. ☐ Premises Liability  
f. ☒ Other (*specify*):

Subrogation

11. Plaintiff has suffered

- a. ☐ wage loss  
b. ☐ loss of use of property  
c. ☐ hospital and medical expenses  
d. ☒ general damage  
e. ☐ property damage  
f. ☐ loss of earning capacity  
g. ☐ other damage (*specify*):

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.  
b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages  
(2) ☐ punitive damages

The amount of damages is (*in cases for personal injury or wrongful death, you must check (1)*):

- (1) ☐ according to proof  
(2) ☐ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (*specify paragraph numbers*):

Date: August 6, 2007

Michael J. Wise, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)



PLD-PI-001(2)

SHORT TITLE:  
AMCO v. GROHE

CASE NUMBER:

ONE (1)

(number)

**CAUSE OF ACTION—General Negligence**

Page 4

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): AMCO Insurance Company

alleges that defendant (name): Grohe America, Inc.

☒ Does 1 to 25

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): OCTOBER 20, 2004

at (place): LA JOLLA, CALIFORNIA

(description of reasons for liability):

Plaintiff AMCO Insurance Company insured property owned by Deborah Guss located at 8365 Dunaway Drive, La Jolla, California. The property was damaged extensively by water and mold when the shower valve system failed. Plaintiff AMCO indemnified Deborah Guss in the amount of \$176,247.72 to repair her property.

The failure of the shower valve system is attributed to improper design and assembly of a service valve manufactured by defendant Grohe America, Inc. Due to defendant's negligence, the snap ring had not been adequately inserted into its mating groove in the body of the service valve and allowed water pressure to expel the plug from the valve. Defendant's improper design, manufacture, and assembly of the shower service valve caused a large uncontrolled release of water and resultant mold throughout the residence of plaintiff's insured.

Plaintiff seeks reimbursement of \$176,247.72 from defendant Grohe America, Inc.

PLD-PI-001(5)

SHORT TITLE:

AMCO v. GROHE

CASE NUMBER:

2**CAUSE OF ACTION—Products Liability**Page 5

(number)

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint  
 (Use a separate cause of action form for each cause of action.)

Plaintiff (name): AMCO Insurance Company

Prod. L-1. On or about (date): October 20, 2004

plaintiff was injured by the following product:

Grohe snap ring, a component of the left service valve attached to the inlet of the central flow control valve assembly

Prod. L-2. Each of the defendants knew the product would be purchased and used without inspection for defects. The product was defective when it left the control of each defendant. The product at the time of injury was being

☒ used in the manner intended by the defendants.☐ used in the manner that was reasonably foreseeable by defendants as involving a substantial danger not readily apparent. Adequate warnings of the danger were not given.

Prod. L-3. Plaintiff was a

☐ purchaser of the product.☐ user of the product.☐ bystander to the use of the product.☒ other (specify):  
intended user.

PLAINTIFF'S INJURY WAS THE LEGAL (PROXIMATE) RESULT OF THE FOLLOWING:

Prod. L-4. ☒ Count One—Strict liability of the following defendants whoa. ☒ manufactured or assembled the product (names):

GROHE AMERICA, INC.

☒ Does 1 to 25b. ☐ designed and manufactured component parts supplied to the manufacturer (names):☐ Does 1 to 25c. ☒ sold the product to the public (names):

GROHE AMERICA, INC.

☒ Does 1 to 25Prod. L-5. ☒ Count Two—Negligence of the following defendants who owed a duty to plaintiff (names):

GROHE AMERICA, INC.

☒ Does 1 to 25Prod. L-6. ☒ Count Three—Breach of warranty by the following defendants (names):

GROHE AMERICA, INC.

☒ Does 1 to 25a. ☒ who breached an implied warrantyb. ☐ who breached an express warranty which was☐ written ☐ oralProd. L-7. ☐ The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are☐ listed in Attachment-Prod. L-7 ☐ as follows:

**EXHIBIT B**

**NATIONAL REGISTERED AGENTS, INC.****SERVICE OF PROCESS SUMMARY TRANSMITTAL FORM**

To: ROBERT WILLSON  
 BAKER & MCKENZIE LLP  
 ONE PRUDENTIAL PLAZA  
 130 E. RANDOLPH STREET, STE 3300  
 CHICAGO, IL 60601-

SOP Transmittal # **DE28213**

(800) 767-1553 - Telephone  
 (609) 716-0820 - Fax

Defendant: GROHE NEWCO CORP. (Served as grohe america inc)  
 (Entity Served)

Enclosed herewith are legal documents received on behalf of the above captioned entity by National Registered Agents, Inc. or its Affiliate in the State of **DELAWARE** on this **3** day of **January**, 2008. The following is a summary of the document(s) received:

1. **Title of Action:** grohe america, inc., does 1 to 25 vs. amco insurance company

2. **Document(s) served:**

<input checked="" type="checkbox"/> Summons	<input type="checkbox"/> Subpoena	<input type="checkbox"/> Injunction
<input checked="" type="checkbox"/> Complaint	<input type="checkbox"/> Third Party Complaint	<input type="checkbox"/> Notice of
<input type="checkbox"/> Petition	<input type="checkbox"/> Demand for Jury Trial	<input type="checkbox"/> Mechanics Lien
<input type="checkbox"/> Garnishment	<input type="checkbox"/> Default Judgement	<input type="checkbox"/> Other:

3. **Court of Jurisdiction/** superior court, san diego county, california  
**Case & Docket Number:** 37-2007-00072924-cu-pl-cti

4. **Amount Claimed, if any:** \$176247.72

5. **Method of Service** (select one):

<input checked="" type="checkbox"/> Personally served by:	<input checked="" type="checkbox"/> Process Server	<input type="checkbox"/> Deputy Sheriff	<input type="checkbox"/> U. S Marshall
<input type="checkbox"/> Delivered Via:	<input type="checkbox"/> Certified Mail	<input type="checkbox"/> Regular Mail	<input type="checkbox"/> Facsimile
	(Envelope enclosed)	(Envelope enclosed)	
<input type="checkbox"/> Other (Explain):			

6. **Date and Time of Service:** 1/3/2008 4:27:50 PM EST (GMT -5)

7. **Appearance/Answer Date:** 30 Days

8. **Plaintiff's Attorney:** michael j wise  
 (Name, Address & Telephone Number) brendan wise law group  
 901 h street ste503  
 sacramento, ca 95814  
 916.498.1776

9. **Federal Express Airbill #** 790417406091

10. **Call Made to:** VM - robert

11. **Special Comments:**

NATIONAL REGISTERED AGENTS, INC.

Copies To:

Transmitted by: Debbie Sealund

The information contained in this Summary Transmittal Form is provided by National Registered Agents, Inc. for informational purposes only and should not be considered a legal opinion. It is the responsibility of the parties receiving this form to review the legal documents forwarded and to take appropriate action.

ORIGINAL

**EXHIBIT** C

CIV-050

**- DO NOT FILE WITH THE COURT -**  
**- UNLESS YOU ARE APPLYING FOR A DEFAULT JUDGMENT UNDER CODE OF CIVIL PROCEDURE § 585 -**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address):  Robert J. Harker, Esq., SBN 213440 LAW OFFICES OF GOATES & BEAVERS 1201 Dove Street, Suite 300 Newport Beach, CA 92660 ATTORNEY FOR (name): <b>Plaintiff, AMCO INSURANCE COMPANY</b>		TELEPHONE NO.: (949)553-1359	FOR COURT USE ONLY
STREET ADDRESS: 330 West Broadway			
MAILING ADDRESS:			
CITY AND ZIP CODE: San Diego, CA 92101			
BRANCH NAME:			
PLAINTIFF: AMCO INSURANCE COMPANY			
DEFENDANT: GROHE AMERICA			
STATEMENT OF DAMAGES (Personal Injury or Wrongful Death)		CASE NUMBER: 37-2007-00072924-CU-PL-CTL	

To (name of one defendant only): **GROHE AMERICA, INC.**  
 Plaintiff (name of one plaintiff only): **AMCO INSURANCE COMPANY**  
 seeks damages in the above-entitled action, as follows:

- |   | AMOUNT               |
|---|----------------------|
| <b>1. General damages</b>   |                      |
| a. <input type="checkbox"/> Pain, suffering, and inconvenience .....  | \$ .....             |
| b. <input type="checkbox"/> Emotional distress .....  | \$ .....             |
| c. <input type="checkbox"/> Loss of consortium .....  | \$ .....             |
| d. <input type="checkbox"/> Loss of society and companionship (wrongful death actions only) .....   | \$ .....             |
| e. <input type="checkbox"/> Other (specify) .....   | \$ .....             |
| f. <input type="checkbox"/> Other (specify) .....   | \$ .....             |
| g. <input type="checkbox"/> Continued on Attachment 1.g.  |                      |
| <b>2. Special damages</b>   |                      |
| a. <input type="checkbox"/> Medical expenses (to date) .....  | \$ .....             |
| b. <input type="checkbox"/> Future medical expenses (present value) .....   | \$ .....             |
| c. <input type="checkbox"/> Loss of earnings (to date) .....  | \$ .....             |
| d. <input type="checkbox"/> Loss of future earning capacity (present value) .....   | \$ .....             |
| e. <input type="checkbox"/> Property damage .....   | \$ .....             |
| f. <input type="checkbox"/> Funeral expenses (wrongful death actions only) .....  | \$ .....             |
| g. <input type="checkbox"/> Future contributions (present value) (wrongful death actions only) .....  | \$ .....             |
| h. <input type="checkbox"/> Value of personal service, advice, or training (wrongful death actions only) .....                                  | \$ .....             |
| i. <input checked="" type="checkbox"/> Other (specify) Insurance Subrogation Damages .....  | \$ <u>250,000.00</u> |
| j. <input type="checkbox"/> Other (specify) .....   | \$ .....             |
| k. <input type="checkbox"/> Continued on Attachment 2.k.  |                      |
| <b>3. <input type="checkbox"/> Punitive damages:</b> Plaintiff reserves the right to seek punitive damages in the amount of (specify). \$ ..... |                      |
| when pursuing a judgment in the suit filed against you.   |                      |

Date: December 20, 2007

Robert J. Harker, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

(Proof of service on reverse)

Page 1 of 2

**PROOF OF SERVICE**

STATE OF CALIFORNIA)

)ss

COUNTY OF ORANGE )

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 1851 East First Street, Ninth Floor, Santa Ana, California 92705.

On February 4, 2008, I served the foregoing document described as **NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1446(b) AND 28 U.S.C. § 1441(b) [DIVERSITY]** to all interested parties in said action by:

☐ BY FACSIMILE TRANSMISSION from FAX No. (714)285-9700 to the FAX number(s) listed below. The facsimile machine I used complied with Rule 2003(3) and no error was report by the machine. Fax Number(s):

☐ BY PERSONAL SERVICE as follows: I caused such envelope to be delivered by hand to the offices of the addressee.

☒ BY MAIL as follows:

☒ placing ☐ the original ☒ a true copy thereof in a sealed envelope addressed as stated on the ATTACHED MAILING LIST.

☐ I deposited such envelope in the mail at Santa Ana, California. The envelope was mailed with postage thereon fully prepaid.

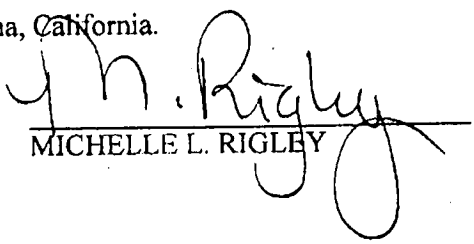
☒ I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Santa Ana, California in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one (1) day after date of deposit for mailing in affidavit.

☐ BY OVERNIGHT DELIVERY: I deposited such an envelope in a box or other facility regularly maintained by express service carrier, or delivered to an authorized courier or driver authorized by the express service carrier to receive documents in an envelope or package designated by the express service carrier with delivery fees paid or provided for, addressed to the person on whom it is to be served as indicated on the attached Service List, at the office address as last given by that person on any document filed in the case and served o the party making service.

☐ STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ FEDERAL - I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on February 4, 2008, at Santa Ana, California.

  
MICHELLE L. RIGLEY

PROOF OF SERVICE

**SERVICE LIST****AMCO INSURANCE V. GROHE AMERICA**

John F. Rutan, Jr.  
Law Offices of Goates & Beavers  
1201 Dove Street, Suite 300  
Newport Beach, CA 92660  
(949) 553-1359  
**ATTORNEYS FOR PLAINTIFF**

**PROOF OF SERVICE**



**UNITED STATES  
DISTRICT COURT**  
SOUTHERN DISTRICT OF CALIFORNIA  
SAN DIEGO DIVISION

**# 147187 - SR  
\* \* C O P Y \* \*  
February 04, 2008  
10:54:44**

**Civ Fil Non-Pris**

USAO #: 08CV0207 CIV. FIL.  
Judge...: JANIS L. SANMARTINO  
Amount.: \$350.00 CK  
Check#: BC#207521

**Total-> \$350.00**

**FROM: AMCO INS. CO. V. GROHE AMERICA  
CIVIL FILING**

*TO SOUTHERN*  
**UNITED STATES DISTRICT COURT, [REDACTED] DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> ) AMCO INSURANCE COMPANY	<b>DEFENDANTS</b> GROHE AMERICA, INC.
<b>(b) County of Residence of First Listed Plaintiff</b> (Except in U.S. Plaintiff Cases): Ohio	<b>County of Residence of First Listed Defendant</b> (In U.S. Plaintiff Cases Only): Illinois
<b>(c) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) JOHN F. RUTAN, JR., SBN 120266 LAW OFFICES OF GOATES & BEAVERS 1201 DOVE STREET, SUITE 300 NEWPORT BEACH, CA 92660 (949) 553-1359	<b>Attorneys</b> (If Known) <div style="text-align: right; font-weight: bold; font-size: 1.2em;">08 CV 0207 JLS WMC</div> TODD C. WORTHE, ESQ., SBN 177452 WORTHE HANSON & WORTHE, A LAW CORPORATION 1851 E. FIRST STREET, 9th FLOOR SANTA ANA, CALIFORNIA 92705 (714) 285-9600

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.) <table style="width: 100%; border: none;"> <tr> <th style="text-align: left;">PTF</th> <th style="text-align: left;">DEF</th> <th style="text-align: left;">PTF</th> <th style="text-align: left;">DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1   <input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td><input type="checkbox"/> 4   <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2   <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5   <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3   <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6   <input type="checkbox"/> 6</td> </tr> </table>	PTF	DEF	PTF	DEF	Citizen of This State	<input type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4 <input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6
PTF	DEF	PTF	DEF														
Citizen of This State	<input type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4 <input type="checkbox"/> 4														
Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5														
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6														

BY FAX

**IV. ORIGIN** (Place an X in one box only.)

<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify):	<input type="checkbox"/> 6 Multi-District Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
--	--	--	---	---	--	---

**V. REQUESTED IN COMPLAINT: JURY DEMAND:** ☒ Yes   ☐ No (Check 'Yes' only if demanded in complaint.)

**CLASS ACTION** under F.R.C.P. 23: ☐ Yes   ☐ No

**MONEY DEMANDED IN COMPLAINT: \$** \_\_\_\_\_

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
 28 U.S.C. Sections 1332, 1441(b) and 1446(b) - Diversity, amount in controversy above \$75,000.

**VII. NATURE OF SUIT** (Place an X in one box only.)

<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities /Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b> <b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input checked="" type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<b>TORTS</b> <b>PERSONAL INJURY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER</b> <b>PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <b>FORFEITURE/PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
--	--	---	---	--	---

**VIII(a). IDENTICAL CASES:** Has this action been previously filed and dismissed, remanded or closed? ☒ No   ☐ Yes

If yes, list case number(s): \_\_\_\_\_

**FOR OFFICE USE ONLY:** Case Number: \_\_\_\_\_

# 147187 2/4/08  
 8350, JLR

**ORIGINAL**

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.**

**VIII(b). RELATED CASES:** Have any cases been previously filed that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or  
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or  
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** List the California County, or State if other than California, in which **EACH** named plaintiff resides (Use an additional sheet if necessary)

- ☐ Check here if the U.S. government, its agencies or employees is a named plaintiff.  
 Plaintiff, AMCO INSURANCE COMPANY, Ohio

List the California County, or State if other than California, in which **EACH** named defendant resides. (Use an additional sheet if necessary).

- ☐ Check here if the U.S. government, its agencies or employees is a named defendant.  
 Defendant, GROHE AMERICA, INC., Illinois

List the California County, or State if other than California, in which **EACH** claim arose. (Use an additional sheet if necessary)

Note: In land condemnation cases, use the location of the tract of land involved.

**SAN DIEGO**

**X. SIGNATURE OF ATTORNEY (OR PRO PER):** \_\_\_\_\_

Date **FEBRUARY 4, 2008**

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

**Key to Statistical codes relating to Social Security Cases:**

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))